

Applic. No.: 09/655,091  
Amdt. Dated January 29, 2007  
Reply to Office action of November 15, 2006

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-4, 7-10, and 15-20 remain in the application. Claims 1-2 and 17-20 have been amended.

In item 4 on page 5 of the above-identified Office action, claims 17-20 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that claims 17-20 are rejected as being incomplete for omitting essential elements, such omission amounting to a gap between the elements.

The method claims have been amended to contain corresponding features of the apparatus claims and to provide proper antecedent basis.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the

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claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In item 6 on pages 5-8 of the above-mentioned Office action, claims 1-4, 7-10, and 15-20 have been rejected as being unpatentable over Gluntz et al. (US 5,596,613) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their existing form and the claims have, therefore, not been amended to overcome the reference. However, claims 1-2 have been modified to even more clearly recite the invention of the instant application and claim 17 has been amended to overcome the rejection under 35 U.S.C. 112, second paragraph, as discussed above.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

a condensing pipe leading into said condensing chamber  
for enabling overflow of vapor in the condensing chamber;  
and

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a drain pipe for noncondensable gases, said drain pipe disposed in said interior space and fluidically connecting said top region of said pressure chamber to said condensing chamber, said drain pipe defining a direct connection to said condensing chamber, and said drain pipe not connected to said condenser, said drain pipe having an upper end disposed at a level above said condenser and a bottom end immersed into said cooling liquid.

Claim 2 calls for, inter alia:

a condensing pipe leading into said condensing chamber for enabling overflow of vapor in the condensing chamber;  
and

a drain pipe for noncondensable gases, said drain pipe fluidically connecting said region around said condenser to said condensing chamber, and said drain pipe having a top end disposed above said condenser, and said drain pipe defining a direct connection to said condensing chamber, and said drain pipe not connected to said condenser, said drain pipe having an upper end disposed at a level above said condenser and a bottom end immersed into said cooling liquid.

Claim 17 calls for, inter alia:

enabling an overflow of vapor in the condensing chamber by a condensing pipe leading into the condensing chamber;  
and

automatically drawing off noncondensable gases from a region above or around the condenser by a drain pipe leading into the condensing chamber, the drain pipe not connected to the condenser, the drain pipe having an upper end disposed at a level above the condenser and a bottom end immersed into the cooling liquid.

Applicant would like to emphasize again that the inventive concept of the invention of the instant application is not derivable from the prior art disclosed in Gluntz et al. On one hand, Applicant refers back to the remarks presented in

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the response to the previous Office action, which is incorporated herewith in its entirety. On the other hand, it is also noted that the evaluation of the Examiner in this Office action appears to be based completely on hindsight consideration, in which the Examiner reinterprets the concept described in Gluntz et al. only based on the knowledge of the invention of the instant application and the concrete technical teaching provided therein.

More specifically, the Examiner has identified the vertical channels 27 disclosed in Gluntz et al. with both the condensing pipe and the drain pipe of the invention of the instant application. In other words, the invention of the instant application specifies on one hand a condensing pipe that leads to the condensing chamber from the containment and on the other hand a drain pipe (which has already been extensively discussed) that fluidly connects the top region of the containment near the building condenser with the condensing chamber. These two pipes, namely on one hand the condensing pipe and on the hand the drain pipe, are provided and designed for completely different purposes and thus differ from each other gravely in their essential parameters, especially regarding the placing of their respective inlet regions. The condensing pipe is provided to enable a overflowing of the humid atmosphere in the condensing chamber

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whenever needed. Therefore, the inlet of the condensing pipe is so disposed that a possibly unhindered inflow of the vapor in need of condensation is guaranteed. The drain pipe, in contrast, is designed to draw off the non-condensable gases gathered in the region of the building condenser. Therefore, the inlet of the drain pipe is suitably placed near the building condenser.

In contrast to the completely two different kind of pipes regarding their purposes and functions as well as their design and position as recited in the invention of the instant application, Gluntz et al. only disclose a system of vertically arranged channels 27. These are, as clearly described in the disclosure of Gluntz et al., designed and provided for required overflow of the vapor in the condensing chamber, which also inevitably results in a corresponding low and suitable mounting height of its inlet. The vertical channels 27 are, therefore, structurally and functionally comparable with the condensing pipe of the invention of the instant application. The Examiner has stated that it would have been obvious for a person skilled in the art to position the inlet opening of the channels 27 higher than the region of the condenser. This allegation is based exclusively on the knowledge and the inventive concept of the invention of the instant application that the non-condensable gases gathered in

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the region of the building condenser should be deliberately led into the condensing chamber in a possibly direct way. Hint to this concept cannot be obtained from Gluntz et al. Therefore, the Examiner's allegation is based exclusively on the knowledge of the invention of the instant application and thus constitutes an inadmissible hindsight consideration.

It is not understandable how it would be meaningful and helpful for a person skilled in the art to selectively treat the individual channels of the group of channels 27 differently by modifying some of the channels regarding their dimensioning and positioning and leaving the other channels unchanged in order to provide two different groups to achieve the invention of the instant application.

Also, it is noted that Gluntz et al. handle the non-condensable gases in a way different from that of the invention of the instant application, so that already on this ground a person skilled in the art would not at all obtain any hint from Gluntz et al. to modify the system of channels 27. It is disclosed in Gluntz et al. that the non-condensable is deliberately led with the vapor through the heat exchanger in the flood basin 56 and from there is carried off over the drain pipe 66. Therefore, there is no need at all for a person skilled in the art to depart from the method of

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treatment explained fully in Gluntz et al. and use a completely different way to carry off the non-condensable gases. Especially, this kind of artificial and arbitrary conversion of the channels 27 would gravely damage their actual functionality, namely the reliable overflow of vapor in the condensing chamber.

Claims 1-2 and 17 are, therefore, believed to be patentable over Gluntz et al. and since all of the dependent claims are ultimately dependent on claims 1, 2 or 17, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-4, 7-10, and 15-20 are solicited.

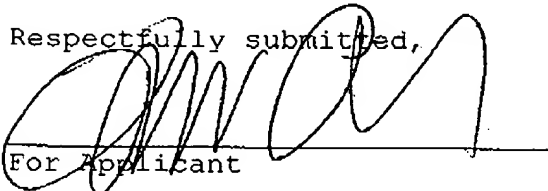
In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to

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the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-  
1099.

Respectfully submitted,

  
For Applicant

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